REMARKS

Claims 1 to 115 are pending in the present application and have been examined on their merits. By this amendment, claims 1, 13, and 14 been amended to more clearly define and claim Applicant's invention.

Claim Rejections

Claims 1 to 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over d'Eon *et al.* (U.S. Pat. No. 6,006,197) in view of Koeppel *et al.* (U.S patent No. 6,477,575). This rejection is in error.

It is the Applicant's position that the invention is not made obvious by the d'Eon *et al.* and Koppel *et al.* patents. The d'Eon *et al.* patent teaches a web advertising measurement system that measures effectiveness of web advertisements by correlating web site impressions (clicks) with post-impression transactional activity (i.e., the purchasing of products or services advertise on the bet site). The d'Eon *et al.* patent does not disclose the parameters of the claimed invention as the Examiner notes that it does not teach reacting to the evaluation found as a critical limitation of all of the Applicant's independent claims [c.f., claim 1(e), claim 13 (h), and claim 14 (e)]. The Koeppel *et al.* patent teaches a web-based market analysis system that collects web site activity data and updates the content of the web page on a real-time and automatic basis. Both d'Eon *et al.* and Koeppel *et al.* are exclusively directed toward the Internet and electronically collect and analyze web-site data.

The Examiner holds the position that it would be obvious to one of ordinary skill in the art at the time of the invention to use the Internet teachings of d'Eon *et al.* Koeppel *et al.* to arrive at Applicant's invention. The Applicant

respectfully disagrees. The present invention is directed to "interactive" marketing as a diversified read and react approach and not to exclusively refer to Internet-based delivery. The whole point of Applicant's invention was to have a unified "interactive" system covering the full portfolio of diversified (i.e., multi-media) marketing options that businesses typically use for marketing products and services. An online-only solution would not have added any new value. It is clear that the present invention provides a system that is more than, and surely not limited to, Internet-based communications and electronically collected web site data. The present invention provides a unified system that allows marketers to replace a constellation of outsourced vendors so that they can manage the interactive system in-house. The specification clearly teaches that that the invention envisions a system for more than internet-based communications. For example, on page 5, line 2 *et. seq.* of the specification marketing communications are described as "...including but not limited to magazine, newspaper, radio, television, web site utilization, or other advertisements"; and on page 9, line 5 *et. seq.* the invention comprises interactive marketing of "several components" including data collected from any of the "...wide variety of marketing communications..." collected by "...any convenient means, including manual, visual, electronic, telephonic, or any electromagnetic-based monitoring means or the equivalent." The importance of training staff as an important facet of an optimized interactive marketing system is noted (c.f., page 8, line 11).

A *prima facie* case of obviousness must have some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings, a reasonable expectation of success, and the art reference or combined references must teach or suggest all the claim limitations. There is no teaching or suggestion of the limitations of the presently-amended claims. d'Eon *et al.* and Koeppel *et al.* do not arrive at Applicant's invention. The present invention is directed to an interactive rapid response marketing system and method that integrates a plurality of various marketing communications activities

that are well beyond the Internet teachings of the cited patents. The "gap" between Applicant's invention and the art cannot be filled by reasonably modifying d'Eon *et al.* or Koeppel *et al.* or by the general knowledge of those or ordinary skill in the art. The teachings of d'Eon *et al.* and Koeppel *et al.* are directed exclusively toward web-based marketing and do not contemplate or disclose the plurality of marketing communications activities disclosed in Applicant's invention, let alone disclose or suggest continuous interactivity and rapid reacting to diversified marketing communications activities. Also, the prior art cited by the Examiner does not teach, suggest or inherently yield the asserted advantages and improved results of interactive rapid response marketing that are disclosed and presently claimed by Applicant. There is no motivation to do so. The cited art clearly does not suggest, provide motivation for, or arrive at Applicant's invention. Should Applicant's independent claims (i.e., 1, 13 & 14 as amended) be found allowable, so also should claims dependent thereon be allowed.

In view of the discussion of art as related to the present invention, the Applicant respectfully submits that the prior art does not either suggest or teach its critical elements. There is no suggestion or motivation, either in the d'Eon *et al.* reference or Koeppel *et al.* or in the general knowledge of those skilled in the art, to modify this art with a reasonable expectation of success to arrive at the claimed invention. There is no teaching or suggestion of the limitations of the instant claims as amended. The Applicant's continuously interactive rapid response marketing system and method for optimizing and unifying a plurality of marketing communications activities is novel and unobvious. Accordingly, the Applicant request that the rejection under 35 U.S.C. §103(a) as applied to pending claims, be appropriately withdrawn.

In view of the above remarks responsive to the subject Office Action, the Applicant believes that the rejection under 35 U.S.C. §103(a), as applied to pending claims, should be reconsidered and appropriately withdrawn. The

claims as currently presented distinguish from the cited art and represent patentable subject matter. The present amendment more clearly presents claims that represent Applicant's invention. Reconsideration and allowance, being in order, are earnestly solicited. Should there be further issues; the undersigned would welcome a telephone call to facilitate their resolution.

Respectfully submitted,

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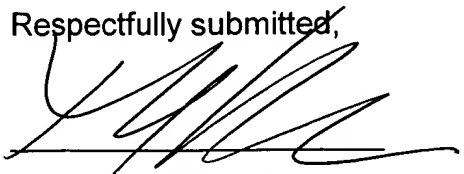
By: 

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